

MODOC COUNTY SUPERIOR COURT LOCAL RULES

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PREAMBLE

All of the local rules of court that may have been previously adopted are repealed. Specifically, the rules adopted effective January 1, 1998, by the Modoc County Trial Courts and the Local Orders adopted from time to time thereafter are all repealed. To the extent that the Uniform Local Rules for Third Appellate District Superior Courts were or have been applicable to proceedings in the Modoc County Superior Court, they are declared to no longer have any application. The only rules of court applicable to proceedings in the Modoc County Superior Court are the California Rules of Court and the following local rules. (Effective July 1, 2006)

1. CIVIL CASES:

1.1 Civil cases are assigned to one judge for all purposes on filing. The Notice of Case Management Conference issued on filing will carry the name of the assigned judge. If there is a change of assignment the parties will be notified in writing. *(Effective 7/1/2006)*

1.2 Civil proceedings are not regularly reported. A party wanting a proceeding to be reported must notify the clerk of the court 5 court days before the scheduled hearing date and submit a half day fee of \$137.50. Matters estimated to take more than a half day require a deposit of a full day fee of \$ 275.00 on making the request for reporting and another full day fee by 5:00pm of the proceeding day for each day the hearing or trial goes over 1 day. *(Effective 7/1/2006)*

1.3. Case management conferences in all civil cases except unlawful detainer and small claims will be set within 120 day of filing. The CMC will cover the matters set out in CRC 212 and will be conducted in conformance with the procedures set out there. Telephone conferences are permitted on payment of a \$14 fee per party appearing by telephone, which shall be by Court Call arranged by the requesting party. *(Effective 7/1/2006)*

1.4. Tentative rulings in civil cases are not offered. *(Effective 7/1/2006)*

2.. CHILD CUSTODY CASES

2.1. This rule is adopted as required by Rule 5.210(d)(1)(h), California Rules of Court. The Modoc Superior Court's local rule is that § 216, California Family Code, is in full

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force and effect in Modoc County. Section 216 governs ex parte communications with or by the Mediator and would apply with equal force to any court-appointed or court-connected evaluators if we had or ever have any. *(Effective 7/1/2006)*

2.2. Child custody investigations that may be ordered by the court are performed by the Probation Department. Training investigators is to be done under the direction of the Chief Probation Office and to his/her standards, which must meet the requirements of CRC 5.230(g). Training will include training on domestic violence issues per CRC 5.230. *(Effective 7/1/2006)*

2.3. Except for emergency orders, no child custody or visitation orders will be made without the parties first having been through mediation or having an investigation made by the court's custody investigator. Upon filing of the first paper raising a custody or visitation issue the parties will be given directions for contacting the mediator or the investigator. Copies of the directions will be given to the filing party for service on the other party or parties, who will have the same obligation to contact and participate as directed by the mediator or investigator. *(Effective 7/1/2006)*

2.4. CRC 5.220 is implemented. No peremptory challenge to the mediator, the family law facilitator, or a court investigator is allowed *(Effective 7/1/2006)*

2.5. Pursuant to the demands of CRC 5.225 and 5.35, the court will accept written complaints about the performance of any of the court connected persons listed in Rule 2.4 and written requests for a change of court connected person assigned to a case. A written response will be provided to each such complaint by the court executive officer within 15 court days. *(Effective 7/1/2006)*

3. DOMESTIC VIOLENCE

3.1 A rule on domestic violence coordination is required by CRC 5.500. Our practice is and will continue to be that each judge hears all types of cases, including child custody, criminal and domestic violence cases. Our case management system allows us to cross reference cases related by party. Our clerks are trained to make cross references by searching our data base when a Request for a TRO is filed or a criminal protective order is made. All matters involving domestic violence issues are then assigned to a single judge for handling through disposition so that he/she can coordinate any order made in different cases. *(Effective 7/1/2006)*

3.2 Family Court Services will handle domestic violence cases in accordance with state law, applicable CRC's, and under its protocols that adopt those of CRC 5.215. *(Effective 7/1/2006)*

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4. JUVENILE MATTERS

4.1 As required by CRC 1424(k), this rule establishes the rule for submission of CASA reports. All CASA reports must be filed at least 5 calendar days and 2 court days before the hearing date to which the report relates. Copies of the reports will be made and distributed to each of the attorneys for the child(ren), for each parent, for CPS by the CASA Director or her/his designee. *(Effective 7/1/2006)*

4.2 The Modoc County Superior Court's local rule relating to attorneys for parties adopts the provisions of CRC 1438 in their entirety. *(Effective 7/1/2006)*

5. CRIMINAL CASES

5.1 Criminal cases are assigned to one judge for all purposes on filing. The judge arraigning a defendant is the judge assigned for all purposes. If there is a change of assignment the parties will be notified in writing or in open court. *(Effective 7/1/2006)*

Adopted, pursuant to California Rules of Court 6.603(c)(11), effective July 1, 2006.

/s/____Larry L. Dier____
Presiding Judge

MODOC COUNTY SUPERIOR COURT LOCAL RULES

MODOC COUNTY SUPERIOR COURT'S CURRENTLY EFFECTIVE RULES

The following is a list of the currently effective rules, all with an effective date of July 1, 2006:

Rule 1.1
Rule 1.2
Rule 1.3
Rule 1.4
Rule 2.1
Rule 2.2
Rule 2.3
Rule 2.4
Rule 2.5
Rule 3.1
Rule 3.2
Rule 4.1
Rule 4.2
Rule 5.1